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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,047	06/14/2001	Jun Kametani	Q64973	5937

7590 07/20/2006

SUGHRUE, MION, ZINN, MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037-3202

EXAMINER
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LEE, CHI HO ANDREW

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/880,047

Applicant(s)

KAMETANI, JUN

Examiner

Andrew Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/16/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakamoto et al U.S. Patent Number 6,633,571 in view of Radogna et al U.S. Patent Number 5,991,299.

Re Claim 1, '571 patent teaches fig. 1, a terminal within a LAN 1 that is provided with IP packet service request by ISP 1 and ISP 2 (a plurality of service providers) through different layer protocol networks 2-1 and 2-2; the network system of fig. 1 further includes a Interwork Router (a packet exchange) between 2-1 and 2-2, wherein the Translator converts (to match format of an IP network) a format of an IP packet to network protocol (a first network layer protocol) of 2-1 to the network protocol (a second network layer protocol) of 2-2 to unify the connection to the destination terminal within LAN (See col. 5, lines 40 +), the translation is based on the destination address specified in the IP packet to determine the destination network wherein IP networks can include any number of networks (first, second, third).

Sakamoto et al fails to explicitly teach that the each IP network utilizes a different network layer protocols. However, '299 patent teaches a gateway THP 60 that includes routines for translating a plurality of network layer protocols (See col. 11, lines 24-48).

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One skilled in the art would have been motivated to include the THP 60 into the Interworking router in '571 to be adaptive to different network layer protocols. Therefore, it would have been obvious to one ordinary skilled to combine the teachings.

Re Claims 2, 22, refer to Claim 1, wherein fig. 1 teaches a terminal LAN (LAN 1) is connected to the Edge Node 3-1 (first IP network) to ISP 1, the ISP 1 is connected to the Edge Node 3-3 LAN 3 (third IP network) via ISP 2 and Interwork Router (a Second IP network) wherein the Edge Nodes and Interwork Router in light of '299 patent performs protocol translation and inverse format translation.

Re Claims 3, 4, refer to Claim 1, wherein the ISP 1 inherently includes servers (a first/second servers) that stores service information and account information.

Re Claim 5, refer to Claim 1, See fig. 15 the table.

Re Claim 7, see fig. 1, wherein the terminal in LAN 3 is connected to the 2-1 (a first IP network) via Interwork Router (a gateway) that supports VPN authentication.

3. Claims 8 -13, 15-21, 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakamoto et al U.S. Patent Number 6,633,571 in view of Radogna et al U.S. Patent Number 5,991,299 and further in view of Berstis U.S. Patent Number 6,570,870

Re Claims 8,12, 19, 23-24, refer to Claim 1, 2, '571 in view of '299 fails to explicitly teach a server functioning to record information....unitarily manage account information...and to perform alternative account billing from ...to users.

However, Berstis teaches in fig. 4, a Account server 48 for unitarily managing account information for user from plurality of ISPs. One skilled in the art would have

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been motivated to include a unitarily managing account information into the to obviate conventional telephone call charging (See col. 2, lines 17-68). Therefore, it would have been obvious to one ordinary skilled to combine the references.

Re Claim 9, refer to Claim 1.

Re Claims 10, 17, 20, 21, refer to Claim 1, wherein 2-2 supports MPLS.

Re Claims 11, 13, refer to Claim 1, wherein the LAN terminal is a PC.

Re Claims 15, 16, see fig.1.

Re Claim 18, See fig. 1, wherein the translator performs encapsulation function of the IP packet into MPLS format.

Re Claim 19, See fig. 17, the VPN table.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1 recites the limitation "an IP packet" in line 9. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakamoto et al U.S. Patent Number 6,633,571 in view Radogna et al U.S. Patent

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Number 5,991,299 as applied to Claim 1 above and further in view of Bonaventure U.S. Patent Number 6,680,907.

Re Claim 6, Sakamoto fails to explicitly teach 'measures the amount of data of the IP packet for which...has been converted.'. However, Bonaventure teaches a shaping method whereby the occupancy of the Buffer is measured to maintain QoS (See abstract). This monitoring of the occupancy level is analogous to measuring the amount of data of IP packet has been converted. One skilled in the art would have been motivated to monitor the amount of converted IP packets in Sakamoto to maintain QoS shaping as taught in Bonaventure. Therefore, it would have been obvious to one ordinary skilled to combine the teaching of Bonaventure into the teaching of Sakamoto.

Re Claim 14, one skilled in the art would have been motivated to include VOIP application into the system of Fig. 1. In so doing, a portable telephone is an obvious expedient.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent Number 5946634 teaches downloading Network layer protocols;

U.S. Patent Number 6650631 teaches IP transport network of plurality of ISPs.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 571-272-3130.

The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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ANDREW C. LEE  
PRIMARY PATENT EXAMINER

A handwritten signature in black ink, appearing to be 'A. Lee', written over the printed name of the examiner.